

APR 01 2005

## IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY OF OIL, GAS &amp; MINING

## STATE OF UTAH

AMERICAN STONE, INC., a Utah  
corporation,

Plaintiff,

vs.

JOYCE GRAY, ELAINE P. HUNTSMAN,  
COLLEEN P. OHRAN, CAROLYN P.  
EVERETT, BEN HUNTSMAN, and SHANE  
D. HUNTSMAN,

Defendants.

## SUBPOENA DUCES TECUM

Civil No. 030405135

Division No. \_\_\_\_\_

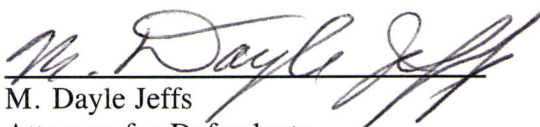
TO: Lynn M. Kunzler  
Department of Natural Resources  
Division of Oil, Gas & Mining  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

YOU ARE COMMANDED to appear and give testimony in the above entitled action before the above court, 125 North 100 West, in the city of Provo, Utah, on the **6th day of April, A.D., 2005, at 1:30 o'clock p.m.** and please bring with you:

Your complete file regarding Star Stone Quarries, Inc., Unpermitted Pelican Point Quarry, S/049/041, Utah County, Utah

If you fail to obey this subpoena, the court may issue a warrant for your arrest.

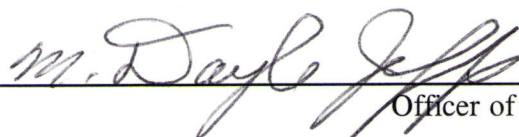
DATED and this 30<sup>th</sup> day of a March, 2005.

  
M. Dayle Jeffs  
Attorney for Defendants

90 North 100 East, Provo, UT  
Address

Lori Woffinden

Clerk of the Court

  
Officer of the Court

Any subpoenaed organization not a party to this suit is hereby admonished pursuant to Rule 30(b)(6), UTAH RULES OF CIVIL PROCEDURE, to file a designation with the court specifying one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and shall set forth, for each person designated, the matters on which he will testify or produce documents or things. The persons so designated shall testify as to matters known or reasonably available to the organization.



## NOTICE TO PERSONS SERVED WITH A SUBPOENA

### SUBPOENA TO APPEAR AT TRIAL, AT HEARING, OR AT DEPOSITION

1. If this subpoena commands you to appear to give testimony at trial or at hearing, you must appear in person at the place designated in the subpoena.

2. If this subpoena commands you to appear to give testimony at deposition, you must appear in person at the place designated in the subpoena. If you are a resident of Utah, the subpoena may command you to appear only in the county where you reside, or where you are employed, or where you transact business in person, or where the court orders you to appear. If you are not a resident of Utah, the subpoena may command you to appear only in the county where you are served with the subpoena, or where the court orders.

3. If this subpoena commands you to appear to give testimony at trial, at hearing, or at deposition, but does not command you to produce or to permit inspection and copying of documents or tangible things, or inspection of premises, you have the right to object if the subpoena:

- (i) imposes an undue burden or expense upon you;
- (ii) does not allow you a reasonable time to comply, which may be less than 14 days, depending on the circumstances; or
- (iii) commands you to appear at deposition at a place in violation of paragraph 2, above.

4. To object to complying with the subpoena, you must file with the court issuing the subpoena a motion to quash or modify the subpoena. You must comply with the subpoena unless you have obtained a court order granting you relief from the subpoena.

### SUBPOENA TO PRODUCE OR TO PERMIT INSPECTION OF DOCUMENTS OR TANGIBLE THINGS OR TO PERMIT INSPECTION OF PREMISES

5. If this subpoena commands you to produce or to permit inspection and copying of documents or tangible things, or to permit inspection of premises, but does not command you to appear to give testimony at trial, at a hearing, or at a deposition:

- (i) you need not appear in person at the place of production or inspection;
- (ii) you must produce documents as you keep them in the ordinary course of business or organize and label them to correspond with the categories demanded in the subpoena; and
- (iii) you need not make any copies or advance any costs for production, inspection or copying. If you agree to

make copies, the party who has served the subpoena upon you must pay the reasonable costs of production and copying.

6. You have the right to object if the subpoena:

- (i) imposes an undue burden or expense upon you;
- (ii) does not allow you at least 14 days to comply, unless the party serving the subpoena has obtained a court order requiring an earlier response;
- (iii) requires you to disclose a trade secret or other confidential research, development or commercial information;
- (iv) requires you to disclose privileged communication with your attorney or privileged trial preparation materials; or
- (v) requires you to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from expert's study made not at the request of any party.

7. To object to a subpoena for one of the reasons stated in paragraph 6, you must provide notice in writing of your objection to the party or attorney serving the subpoena before the date specified in the subpoena for you to respond. If your objection is based on either paragraph 6(iii), 6(iv), or 6(v), your written objection must describe the nature of the documents, communications or things that you object to producing with sufficient specificity to enable the party or attorney serving the subpoena to contest your objection. You must also comply with the subpoena to the extent that it commands production or inspection of materials to which you do not object.

8. After you make timely written objection, the party who has served the subpoena upon you must obtain a court order to compel you to comply with the subpoena. The party must give you a copy of its motion for a court order and notice of any hearing before the court. You have the right to file a response to the motion with the court and a right to attend any hearing. After you make a timely written objection, you have no obligation to comply with the subpoena until the party serving the subpoena has served you with a court order that compels you to comply.

9. If this subpoena commands you to produce or to permit inspection and copying of documents or tangible things, or to permit inspection of premises, and to appear to give testimony at trial, at a hearing, or at a deposition, you may object to the production or inspection of documents or tangible things, or inspection of premises, by following the procedure identified in paragraph 7. Even though you object to production or inspection of documents or tangible things, or inspection of premises, you must appear in person at the trial, at the hearing or at the deposition unless you obtain an order of the court by following the procedures identified in paragraph 4.



JEFFS & JEFFS 09-72  
ATTORNEYS AT LAW, P.C.  
PROVO, UT 84601

**DETACH AND RETAIN THIS STATEMENT**  
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW  
IF NOT CORRECT, PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED

DATE	DESCRIPTION	AMOUNT
3/30/05	Joyce Gray adv American Stone Witness fee	\$18.50

Security Features are included. Details on back.

**JEFFS & JEFFS** 09-72  
**ATTORNEYS AT LAW, P.C.**  
**COST ACCOUNT**  
90 NORTH 100 EAST  
PROVO, UT 84601

**ZIONS BANK.**  
Zions First National Bank  
Provo Region Office P.O. Box 737  
Provo, Utah 84601  
www.zionsbank.com


18281

DATE March 30, 2005 31-5/1240 32

PAY \*Eighteen and 50/100 Do-lars\* DOLLARS \$ \*18.50\*

TO THE ORDER OF Lynn M. Kunzler

JEFFS & JEFFS  
COST ACCOUNT

BY: 

MP